

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KADIAN NOBLE,

Plaintiff,

- against -

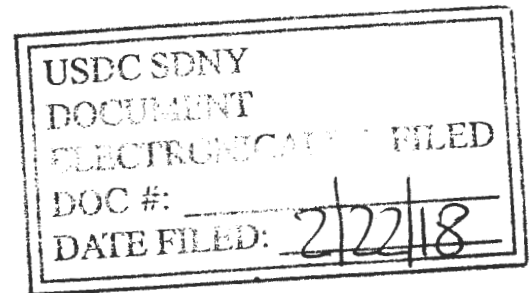
17 Civ. 9260 (RWS)

ORDER

HARVEY WEINSTEIN, BOB WEINSTEIN, THE
WEINSTEIN COMPANY LLC, and WEINSTEIN
COMPANY HOLDINGS, LLC,

Defendants.
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Sweet, D.J.



On January 30, 2018, Defendants The Weinstein Company LLC ("TWC") and Harvey Weinstein ("Weinstein") filed motions to dismiss the complaint of Plaintiff Kadian Noble ("Plaintiff") under Federal Rule of Civil Procedure 12(b)(6). Dkt. Nos. 35-36, 38-39. On February 7, 2018, the Court treated a letter from TWC as a motion to stay discovery pending resolution of Weinstein's and TWC's motions to dismiss. Dkt. No. 41. On February 20, 2018, Plaintiff filed an amended complaint. Dkt. No. 48.

"[I]t is well established that an amended complaint ordinarily supersedes the original, and renders it of no legal effect." Jean-Laurent v. Wilkerson, 461 F. App'x 18, 23 (2d Cir. 2012) (alterations in original). "Once an amended pleading is interposed, the original pleading no longer performs any function in the case." Fredericks v. City of N.Y., No. 12 Civ.

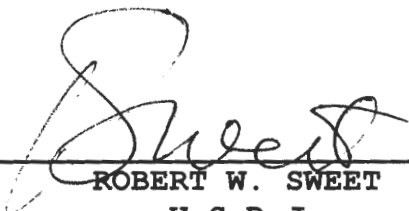
3734 (RWS), 2012 WL 3667448, at *1 (S.D.N.Y. Aug. 27, 2012) (quoting Azkour v. Haouzi, No. 11 Civ. 5780 (RJS) (KNF), 2012 WL 1681438, at *1 (S.D.N.Y. Apr. 25, 2012)).

Plaintiff's amended complaint was filed within the 21-day period permitted "as a matter of course" under Federal Rule of Civil Procedure 15(a)(1)(B). The amended complaint rendered the complaint moot, which in turn made the pending motions to dismiss moot. See Jean-Laurent, 461 F. App'x at 23. TWC's motion to stay discovery pending resolution of the now-moot motions is, consequently, also moot.

Accordingly, TWC's and Weinstein's motions to dismiss, as well as TWC's motion to stay discovery, are denied as moot with leave to renew. See Fredericks, 2012 WL 3667448, at *1 (collecting cases). The Clerk of Court is requested to close the pending motions at docket entries 35, 38, and 41.

It is so ordered.

New York, NY
February 22, 2018



ROBERT W. SWEET
U.S.D.J.